



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA

V.

ERNESTO DIAZ-ORTEGA

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CASE NO. 1:08-CR-131

MEMORANDUM ORDER
ADOPTING FINDINGS OF FACT AND RECOMMENDATION
ON DEFENDANT’S GUILTY PLEA

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Giblin conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued his *Findings of Fact and Recommendation on Guilty Plea Before the United States Magistrate Judge* [Clerk’s doc. #25]. The Magistrate Judge recommended that the Court accept Defendant’s guilty plea and conditionally accept the plea agreement. He further recommended that the Court finally adjudge Defendant as guilty on **Count I** of the **Indictment** filed against Defendant in this cause.

The parties have not objected to the magistrate’s findings. The Court is of the opinion that the *Findings of Fact and Recommendation on Guilty Plea* should be accepted. It is, therefore,

ORDERED that the *Findings of Fact and Recommendation on Guilty Plea* [Clerk's doc. #25] of the United States Magistrate Judge are **ADOPTED**. The plea agreement is conditionally accepted by the Court at this time. It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant, Ernesto Diaz-Ortega, is hereby adjudged as guilty on **Count I** of the charging **Indictment** charging violations of Title 8, United States Code, Section 1326(a).

So **ORDERED** and **SIGNED** this **10** day of **November, 2008**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge